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July 27, 2009
FILED VIA ECF

The Honorable Noel L. Hillman
U.S. District Court, District of New Jersey
Mitchell H. Cohen U.S. Courthouse
Room 6020
One John F. Gerry Plaza
Camden, New Jersey 08101

Re: In re: Pet Foods Products Liability Litigation, MDL No. 1850

Dear Judge Hillman:

I am counsel for Menu Foods and Co-Liaison Counsel for the Defendants. This Court's June 17, 2009 Order [347] permits the destruction of recalled wheat gluten, rice protein concentrate and other ingredients allegedly containing melamine. However, as this Court is aware, the June 17, 2009 Order is stayed for 90 days (until September 17, 2009) or pending further Order of this Court while the Plaintiffs evaluate whether further testing or procedures were needed related to the ingredients to be destroyed and, if applicable, stated their position about who should bear the costs of such testing.

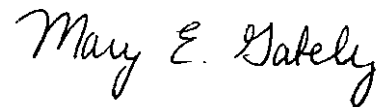
Class Plaintiffs responded to the Court's June 17, 2009 Order by letter dated July 17, 2009 [356]. In their letter, Class Plaintiffs state that they will not object to the destruction of the ingredients for the reasons stated therein. The only concern raised by the Class Plaintiffs is that notice of the destruction be provided to the individuals who opted out of the Settlement. Class Plaintiffs note that the proposed order submitted with Defendants' motion provided that the Claims Administrator would send notice of the destruction to the opt outs. Because this Court's June 17, 2009 Order did not include that notice provision, Defendants have not yet undertaken to provide notice to the opt outs of the destruction that may occur on or after September 17, 2009.

To address this issue, Defendants are submitting with this letter a proposed order authorizing the Claims Administrator to provide notice to the opt outs. This proposed order also provides those individuals with an opportunity to object to the destruction and to propose testing procedures prior to the destruction, consistent with the opportunity provided to Plaintiffs in the June 17, 2009 Order. The Claims Administrator has been contacted and, if this Court enters the attached proposed order, has agreed to send it to opt-outs, via First Class mail. This mailing would not be at Plaintiffs' expense.

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Defendants therefore respectfully request that the Court approve this proposal and enter the attached order.

Respectfully submitted,

A handwritten signature in black ink that reads "Mary E. Gately". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Mary E. Gately

cc.: Counsel of record via ECF